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13 Tesla, Inc.

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20 TESLA, INC., a Delaware corporation,

21 Plaintiff,

22 vs.

23 MARTIN TRIPP, an individual,

24 Defendant.

25 Case No. 3:18-cv-296

26 **PLAINTIFF TESLA, INC.'S SECOND
27 EMERGENCY MOTION FOR
AUTHORIZATION TO ISSUE DOCUMENT
PRESERVATION SUBPOENAS**

28 **DECLARATION OF ANDREW LINDEMULDER**

29 I, Andrew Lindemulder, declare as follows:

30 1. I am an employee of Tesla, Inc., Plaintiff in this action. I have personal knowledge
31 of the facts set forth in this Declaration and, if called as a witness, could and would testify
32 competently to such facts under oath.

33 2. Earlier this month, Tesla opened an investigation into one of its employees,
34 Defendant Martin Tripp, who was suspected of extracting confidential and trade secret information
35 from Tesla's systems and sharing it with one or more third parties.

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1 3. During an interview with me on June 14, 2018, Tripp admitted to transferring
2 Tesla's confidential and trade secret data outside of the company, including via his personal email
3 and cloud storage accounts. Tripp explained that he did so at least in part by text message, from a
4 phone Tesla subsequently learned uses the AT&T Wireless network. Tripp also admitted that he
5 had been deleting such materials to "cover [his] tracks."

6 4. Subsequent investigation by Tesla has revealed that Tripp also may have been using
7 the messaging services Facebook Messenger (associated with Facebook, Inc.), WhatsApp
8 (associated with WhatsApp, Inc.), and Signal (associated with Open Systems Inc.) to share Tesla's
9 confidential and proprietary information with third parties. In addition, Tripp may have uploaded
10 Tesla materials to his account with Dropbox, Inc.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true and correct.

13 Executed on this 26th day of June, 2018, at Sparks, Nevada.

Walt Lichtenber

Andrew Lindemulder